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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,711	10/06/2000	Dimitri Kanevsky	YOR9-2000-0241-US1	2109

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EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/680,711

Applicant(s)

KANEVSKY ET AL.

Examiner

DANH C LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION - SET 1**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 7-8, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghisler (US 5,950,128) in view of Gaulke (US 5,737,707).

As to claim 1, Ghisler teaches a method of providing data to a passive device (figure 1, 108) comprising:

- (a) identifying a system (MSC 1, MSC 2) that has control over communications of an active device (107) associated with said passive device (108); and
- (b) transmitting said data (messages) to said system for transmission to said passive device (108).

As to claim 2, Ghisler teaches the method of claim 1, further comprising (c) identifying said active device (107) with which said passive device (108) is associated, and wherein said identity of said active device (107 and col.4, line 46-col.6, line 14) is used by step (a).

Ghisler fails to teach identifying a location of a system for retransmit to a passive device. Gaulke teaches identifying a location of a system for retransmit to a passive device

Art Unit: 2683

(the same base station that send messages to both mobile and paging, (col.5, lines 50-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gaulke into the system of Ghisler in order to save cost to build base station for paging system.

As to claim 2, Ghisler teaches the method of claim 1, further comprising (c) identifying said active device (107) with which said passive device (108) is associated, and wherein said identity of said active device (107 and col.4, line 46-col.6, line 14) is used by step (a).

As to claim 7, the claim is an apparatus of claim 1; therefore, the claim is interpreted and rejected as set forth in the claim 1.

As to claim 8, the claim is an apparatus of claim 2; therefore, the claim is interpreted and rejected as set forth in the claim 2.

As to claim 16, the claim is a computer program claim of claim 1; therefore the claim is interpreted and rejected as set forth in the claim 1.

As to claim 17, the claim is a computer program claim of claim 2; therefore the claim is interpreted and rejected as set forth in the claim 2.

As to claim 18, the claim is a computer program claim of claim 4; therefore the claim is interpreted and rejected as set forth in the claim 4.

As to claim 19, the claim is a computer program claim of claim 5; therefore the claim is interpreted and rejected as set forth in the claim 5.

As to claim 20, the claim is a computer program claim of claim 6; therefore the claim is interpreted and rejected as set forth in the claim 6.

2. Claims 3-6, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghisler (US 5,950,128) and Gaulke (US 5,737,707) in view of Pepe (US 5,742,905).

As to claim 3, Gaukel and Gaulke teaches the method of claim 2, wherein a database (col.4, lines 26-45) contains said identity of said active device (107) and a passive device (108) of said subscriber that are associated with said active device. Ghisler and Gaulke fails to teach a list of passive devices. Pepe teaches a list of passive device (col.1, lines 11-36 and col.7, lines 4-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pepe into the system of Ghisler and Gaulke in order to enhance system performance of increasing the answering probability of calls to mobile radio terminals.

As to claim 4, Ghisler and Gaulke teaches method of claim 2, further comprising (d) identifying said passive device (108) that is to receive said data, and wherein said identity of said passive device (108 and col.4, line 24-col.5, line 34) is used by step (c).

As to claim 5, Ghisler and Gaulke teaches the method of claim 1, wherein said passive device is selected from the group consisting of: a watch, a pen, a telephone, a frame, a wallet, and a beeper.

As to claim 6, Ghisler and Gaulke teaches the method of claim 1, wherein said active device is a cellular telephone.

As to claim 9, the claim is an apparatus of claim 3; therefore, the claim is interpreted and rejected as set forth in the claim 3.

As to claim 10, the claim is an apparatus of claim 4; therefore, the claim is interpreted and rejected as set forth in the claim 4.

As to claim 11, the claim is an apparatus of claim 5; therefore, the claim is interpreted and rejected as set forth in the claim 5.

As to claim 12, the claim is an apparatus of claim 6; therefore, the claim is interpreted and rejected as set forth in the claim 6.

As to claim 4, Ghisler and Gaulke teaches method of claim 3, further comprising (d) identifying said passive device (108) that is to receive said data, and wherein said identity of said passive device (108 and col.4, line 24-col.5, line 34) is used by step (c).

As to claim 5, Ghisler and Gaulke teaches the method of claim 3, wherein said passive device is selected from the group consisting of: a watch, a pen, a telephone, a frame, a wallet, and a beeper.

As to claim 6, Ghisler and Gaulke teaches the method of claim 5, wherein said active device is a cellular telephone.

As to claim 9, the claim is an apparatus of claim 3; therefore, the claim is interpreted and rejected as set forth in the claim 3.

As to claim 10, the claim is an apparatus of claim 4; therefore, the claim is interpreted and rejected as set forth in the claim 4.

As to claim 11, the claim is an apparatus of claim 5; therefore, the claim is interpreted and rejected as set forth in the claim 5.

As to claim 12, the claim is an apparatus of claim 6; therefore, the claim is interpreted and rejected as set forth in the claim 6.

3. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghisler in view of Gaukel (US 6,100,806).

As to claim 13, Ghisler teaches a passive device (figure 4) comprising, a personal article that has a display (404), a receiver (406) capable of receiving data via a wireless transmission, and a controller (408) for processing said data for display on said display and said transmission of said identity message by said transmitter.

Ghisler fails to teach a transmitter capable of transmitting an identity message only a short distance to an-active device. Gaukel teaches a transmitter capable of transmitting an identity message only a short distance to an-active device (Gaukel, figure 3 and figure 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gaukel into the system of Ghisler in order to send the messages from the passive device to the active device.

As to claim 14, Gaukel teaches passive device of claim 13, wherein said short distance is in a range of about zero foot to about 100 feet (Gaukel, col.11, lines 13-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gaukel into the system of Ghisler in order to send the messages from the passive device to the active device.

As to claim 15, Ghisler passive device of claim 13, wherein said personal article is selected from the group consisting of: a watch, a pen, a telephone, a frame, a wallet and a beeper (107).

**DETAILED ACTION - SET 2**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 7-8, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghisler (US 5,950,128) in view of Roach (US 5,797,097).

As to claim 1, Ghisler teaches a method of providing data to a passive device (figure 1, 108) comprising:

- (a) identifying a system (MSC 1, MSC 2) that has control over communications of an active device (107) associated with said passive device (108); and
- (b) transmitting said data (messages) to said system for transmission to said passive device (108).

As to claim 2, Ghisler teaches the method of claim 1, further comprising (c) identifying said active device (107) with which said passive device (108) is associated, and wherein said identity of said active device (107 and col.4, line 46-col.6, line 14) is used by step (a).

Ghisler fails to teach identifying a location of a system for retransmit to a passive device. Roach teaches identifying a location of a system for retransmit to a passive device



Art Unit: 2683

(the same base station that send messages to both mobile and paging, figure 1 and 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Roach into the system of Ghisler in order to save cost to build base station for paging system.

As to claim 2, Ghisler teaches the method of claim 1, further comprising (c) identifying said active device (107) with which said passive device (108) is associated, and wherein said identity of said active device (107 and col.4, line 46-col.6, line 14) is used by step (a).

As to claim 7, the claim is an apparatus of claim 1; therefore, the claim is interpreted and rejected as set forth in the claim 1.

As to claim 8, the claim is an apparatus of claim 2; therefore, the claim is interpreted and rejected as set forth in the claim 2.

As to claim 16, the claim is a computer program claim of claim 1; therefore the claim is interpreted and rejected as set forth in the claim 1.

As to claim 17, the claim is a computer program claim of claim 2; therefore the claim is interpreted and rejected as set forth in the claim 2.

As to claim 18, the claim is a computer program claim of claim 4; therefore the claim is interpreted and rejected as set forth in the claim 4.

As to claim 19, the claim is a computer program claim of claim 5; therefore the claim is interpreted and rejected as set forth in the claim 5.

As to claim 20, the claim is a computer program claim of claim 6; therefore the claim is interpreted and rejected as set forth in the claim 6.

5. Claims 3-6, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghisler (US 5,950,128) and Roach (US 5,797,097) in view of Pepe (US 5,742,905).

As to claim 3, Gaukel and Roach teaches the method of claim 2, wherein a database (col.4, lines 26-45) contains said identity of said active device (107) and a passive device (108) of said subscriber that are associated with said active device. Ghisler and Roach fails to teach a list of passive devices. Pepe teaches a list of passive device (col.1, lines 11-36 and col.7, lines 4-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Pepe into the system of Ghisler and Roach in order to enhance system performance of increasing the answering probability of calls to mobile radio terminals.

As to claim 4, Ghisler and Roach teaches method of claim 2, further comprising (d) identifying said passive device (108) that is to receive said data, and wherein said identity of said passive device (108 and col.4, line 24-col.5, line 34) is used by step (c).

As to claim 5, Ghisler and Roach teaches the method of claim 1, wherein said passive device is selected from the group consisting of: a watch, a pen, a telephone, a frame, a wallet, and a beeper.

As to claim 6, Ghisler and Roach teaches the method of claim 1, wherein said active device is a cellular telephone.

As to claim 9, the claim is an apparatus of claim 3; therefore, the claim is interpreted and rejected as set forth in the claim 3.

As to claim 10, the claim is an apparatus of claim 4; therefore, the claim is interpreted and rejected as set forth in the claim 4.

As to claim 11, the claim is an apparatus of claim 5; therefore, the claim is interpreted and rejected as set forth in the claim 5.

As to claim 12, the claim is an apparatus of claim 6; therefore, the claim is interpreted and rejected as set forth in the claim 6.

As to claim 4, Ghisler and Roach teaches method of claim 3, further comprising (d) identifying said passive device (108) that is to receive said data, and wherein said identity of said passive device (108 and col.4, line 24-col.5, line 34) is used by step (c).

As to claim 5, Ghisler and Roach teaches the method of claim 3, wherein said passive device is selected from the group consisting of: a watch, a pen, a telephone, a frame, a wallet, and a beeper.

As to claim 6, Ghisler and Roach teaches the method of claim 5, wherein said active device is a cellular telephone.

As to claim 9, the claim is an apparatus of claim 3; therefore, the claim is interpreted and rejected as set forth in the claim 3.

As to claim 10, the claim is an apparatus of claim 4; therefore, the claim is interpreted and rejected as set forth in the claim 4.

As to claim 11, the claim is an apparatus of claim 5; therefore, the claim is interpreted and rejected as set forth in the claim 5.

As to claim 12, the claim is an apparatus of claim 6; therefore, the claim is interpreted and rejected as set forth in the claim 6.

6. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghisler in view of Gaukel (US 6,100,806).

As to claim 13, Ghisler teaches a passive device (figure 4) comprising, a personal article that has a display (404), a receiver (406) capable of receiving data via a wireless transmission, and a controller (408) for processing said data for display on said display and said transmission of said identity message by said transmitter.

Ghisler fails to teach a transmitter capable of transmitting an identity message only a short distance to an-active device. Gaukel teaches a transmitter capable of transmitting an identity message only a short distance to an-active device (Gaukel, figure 3 and figure 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gaukel into the system of Ghisler in order to send the messages from the passive device to the active device.

As to claim 14, Gaukel teaches passive device of claim 13, wherein said short distance is in a range of about zero foot to about 100 feet (Gaukel, col.11, lines 13-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gaukel into the system of Ghisler in order to send the messages from the passive device to the active device.

As to claim 15, Ghisler passive device of claim 13, wherein said personal article is selected from the group consisting of: a watch, a pen, a telephone, a frame, a wallet and a beeper (107).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

On page 7, line 8 of the Applicant's remark, the Applicant argues that the wristband 20 does not have a transmitter and does not appear to send an identity message to cellular bag 30.

In respond, the examiner believes that the wristband 20 has a transmitter (column 13, lines 48-51) and appears to send an identity message to cellular bag 30 (col.17, lines 7-24).

On page 7, line 11 of the Applicant's remark, the Applicant argues that the Office Action suggestion to use any teaching of Gaukel in combination with Ghisler is improperly based on the hindsight of Applicants' disclosure.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

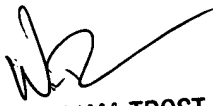
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 09/680,711

Page 14

Art Unit: 2683

Danh C.Le  
March 26, 2003

A handwritten signature in black ink, appearing to read "Danh", with a long horizontal stroke extending to the right.A handwritten signature in black ink, appearing to read "WT", with a long horizontal stroke extending to the right.

WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600